

REMARKS

Claims 1-5, 9 and 11-13 are all the claims pending in the application.

In the Office action mailed May 25, 2007, the examiner rejected claims 1-3, 5 and 9 as unpatentable over Kobayashi in view of Kato and Stumer, with claim 4 being rejected over the Kobayashi in view of Kato and Barnes.

In the amendment filed November 26, 2007, the rejections were distinguished based primarily on flaws in the teachings of Stumer, and new claims 11-13 were added. The examiner now rejects claims 1-3, 5 and 9 as unpatentable over Kobayashi in view of Kato and newly-cited Akiyama (USP 5,684,806), with claim 4 and 11-13 being rejected as unpatentable over Kobayashi in view of Kato and further in view of newly-cited Kim (USP 4,821,264).

Akiyama is now relied on to teach forming an additional signaling channel from a channel that can be used as an information channel of the second access, the examiner directing attention in this regard to lines 4-23 of column 9, which describe the control means of a transmission and reception apparatus, and a dual-purpose time slot of a channel. There are several deficiencies in the teaching of Akiyama. Most notable is that claim 1 does not simply recite forming an additional signaling channel from a channel that can be used as an information channel, but forming a signaling channel from a channel that can be used as an information channel of a second access, with the additional signaling channel operating in conjunction with an information channel in the first access. Akiyama has nothing to do with this.

If one of skill in the art were to consider the teachings of the cited art, at best Akiyama might teach the artisan that some of the various channels of Kobayashi might include a channel

that can be used for dual purposes, each at different times. But there is nothing that would have taught the artisan that when the time slot is used for control signaling, it should be used for control signaling associated with a channel in a different access from the access in which is carried the medium carrying the dual purpose time slot in question.

As to the rejection of claims 4 and 11-13, the examiner cites to lines 2-5 of column 2 of Kim as teaching the inhibiting of functionality of a subset of the information channels if the signaling channel in service is congested. But lines 2-5 of column 2 simply describe that the D channels (signaling channels) could be fully utilized, and in such a case a request for additional D channel service may be denied even though there are B channels available. This is not limiting functionality of the B channels. It is simply a statement that no further connections can be set up because there are no signaling channels available. Indeed, the statement that the B channels *are* available is directly contrary to the idea that they are made *not* available.

For the above reasons, it is respectfully submitted that the subject matter of claims 1-5 and 9-13 would not have been obvious to one of skill in the art from the teachings of the cited art, and allowance of all claims is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Request for Reconsideration Under 37 C.F.R. § 1.111
USSN 09/736,298

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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